

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc., et al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

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Blue Spike, LLC,

*Plaintiff,*

v.

BMAT Licensing, S.L.,

*Defendant.*

CASE NO. 6:12-cv-682 MHS

CONSOLIDATED CASE

Jury Trial Demanded

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**PLAINTIFF’S REPLY IN RESPONSE TO  
DEFENDANT BMAT’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Defendant BMAT Licensing, S.L. (“BMAT” or “Defendant”) (Case No. 6:12-cv-499, Dkt. No. 517) as follows.

All allegations not expressly admitted or responded to by Blue Spike are denied.

**COUNTERCLAIMS**

1. Plaintiff denies the allegations of Paragraph 1 on the basis that Defendant’s incorporation of its Answer and Affirmative Defenses into its Counterclaims is nonsensical.
2. Plaintiff admits the allegations of Paragraph 2.
3. Paragraph 3 does not contain any allegations requiring an admission or denial, but to the extent that Defendant alleges that venue is not proper in this District, Plaintiff denies same.

**COUNT ONE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '175 PATENT**

4. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 3 above.
5. Plaintiff admits the allegations of Paragraph 5.
6. Plaintiff denies the allegations of Paragraph 6.
7. Plaintiff denies the allegations of Paragraph 7.

**COUNT TWO: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '175 PATENT**

8. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 7 above.
9. Plaintiff denies the allegations of Paragraph 9.
10. Plaintiff denies the allegations of Paragraph 10.

**COUNT THREE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '494 PATENT**

11. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 10 above.
12. Plaintiff admits the allegations of Paragraph 12.
13. Plaintiff denies the allegations of Paragraph 13.
14. Plaintiff denies the allegations of Paragraph 14.

**COUNT FOUR: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '494 PATENT**

15. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 14 above.
16. Plaintiff denies the allegations of Paragraph 16.
17. Plaintiff denies the allegations of Paragraph 17.

**COUNT FIVE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '700 PATENT**

18. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 18 above.
19. Plaintiff admits the allegations of Paragraph 19.
20. Plaintiff denies the allegations of Paragraph 20.
21. Plaintiff denies the allegations of Paragraph 21.

**COUNT SIX: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '700 PATENT**

22. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 21 above.
23. Plaintiff denies the allegations of Paragraph 23.
24. Plaintiff denies the allegations of Paragraph 24.

**COUNT SEVEN: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '472 PATENT**

25. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 24 above.
26. Plaintiff admits the allegations of Paragraph 26.
27. Plaintiff denies the allegations of Paragraph 27.
28. Plaintiff denies the allegations of Paragraph 28.

**COUNT EIGHT: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '472 PATENT**

29. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 28 above.
30. Plaintiff denies the allegations of Paragraph 30.
31. Plaintiff denies the allegations of Paragraph 31.

### **PRAYER FOR RELIEF**

Plaintiff denies that Defendant is entitled to any of the relief it requests.

### **PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in its Original Complaint, Blue Spike respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for Blue Spike as the Court may deem just and proper.

Respectfully submitted,

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***Counsel for Blue Spike LLC***

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser  
Randall T. Garteiser